

immunostimulatory nucleic acid, wherein the immunostimulatory nucleic acid, has a sequence selected from the group of sequences including at least the following nucleotides

TCCATGTCGATCCTGATGCT (SEQ ID NO:36), TCCATGTCGGTCCTGATGCT (SEQ ID NO:28), and GGGGTCAACGTTGAGGGGGG (SEQ ID NO:12).

89. (Amended) The method of claim 86, wherein the immunostimulatory nucleic acid has a sequence including at least the following nucleotides GGGGTCAACGTTGAGGGGGG (SEQ ID NO:12).

### REMARKS

Claims 42-101 were pending. No new claims are added. No claims are cancelled.

Claims 57-59, 79-82, 85, 86, and 89 are amended. No new matter is introduced.

The Examiner indicated that claims 57-59 and 78-82 contained nucleotide sequences that were not identified by SEQ ID NOs as required by 37 C.F.R. § 1.821(d). Applicant respectfully submits that claim 78 did already identify the nucleotide sequence therein by its SEQ ID NO and therefore makes no correction to claim 78. Claims 57-59 and 79-82 are hereby amended so as to furnish the required SEQ ID NOs. Applicant also respectfully submits that claims 85, 86, and 89 contained nucleotide sequences that were not identified by SEQ ID NOs, and therefore claims 85, 86, and 89 are also hereby amended so as to furnish the required SEQ ID NOs.

Claims 57, 79, 82, and 86 are each amended to revise the sequence of a nucleic acid sequence because in each instance the nucleic acid sequence included a typographical error. Specifically applicants have changed the 6<sup>th</sup> nucleotide of the nucleic acid of SEQ ID NO. 39 from an A to a G in claims 57 and 79. Applicants have also changed the 7<sup>th</sup> nucleotide of the nucleic acid of SEQ ID NO. 39 from a G to a T and the 10<sup>th</sup> nucleotide from a G to an A in claims 82 and 86. Support for this amendment can be found in the specification in Tables 2 and 5 on pages 23 and 30 respectively.

Claims 57 and 79 were also amended to remove a duplicate sequence (SEQ ID NO:46).

Claims 57, 58, 59, 79, 80, and 81 are each amended to omit a comma without changing the meaning of the claim; these punctuation changes are thus made as grammatical amendments only.

Respectfully submitted,



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**MARKED-UP CLAIMS**

57. (Amended) The method of claim 42, wherein the immunostimulatory nucleic acid[,] has a sequence selected from the group of sequences including at least the following nucleotides TCCATGTCGCTCCTGATGCT (SEQ ID [No. \_\_] NO:37), TCCATAACGTTCCCTGATGCT (SEQ ID [No. \_\_] NO:3), TCCATGACGATCCTGATGCT (SEQ ID [No. \_\_] NO:87), TCCAT[A]GACGTCCCTGATGCT (SEQ ID [No. \_\_] NO:39), TCCATGTCGTTCCCTGATGCT (SEQ ID NO:38), TCGTCGTTTTGTCGTTTTGTCGTT (SEQ ID [No. \_\_] NO:46), TCGTCGTTGTCGTTGTCGTT (SEQ ID [No. \_\_] NO:47), TCCATGACGGTCCTGATGCT (SEQ ID [No. \_\_] NO:35), TCCATGACGCTCCTGATGCT (SEQ ID [No. \_\_] NO:88), TCCATGACGTTCCCTGATGCT (SEQ ID [No. \_\_] NO:7), TCCATCACGTGCCTGATGCT (SEQ ID [No. \_\_] NO:40), TCGTCGTTGTCGTTTTGTCGTT (SEQ ID [No. \_\_] NO:49), GCGTGCGTTGTCGTTGTCGTT (SEQ ID [No. \_\_] NO:56), TGTCGTTTGTCGTTTGTCGTT (SEQ ID [No. \_\_] NO:48), TGTCGTTGTCGTTGTCGTT (SEQ ID [No. \_\_] NO:50), TCGTCGTCGTCGTT (SEQ ID [No. \_\_] NO:51), TCCTGTCGTTCCCTGTCGTT (SEQ ID [No. \_\_] NO:52), TCCTGTCGTTTTTTGTCGTT (SEQ ID [No. \_\_] NO:53), TCGTCGCTGTCTGCCCTTCTT (SEQ ID [No. \_\_] NO:54), and TCGTCGCTGTTGTCGTTTCTT (SEQ ID [No. \_\_] NO:55)[, and TCGTCGTTTTGTCGTTTTGTCGTT (SEQ ID No. \_\_).

58. (Amended) The method of claim 42, wherein the immunostimulatory nucleic acid[,] has a sequence including at least the following nucleotides TCCATGTCGCTCCTGATGCT (SEQ ID [No. \_\_] NO:37).

59. (Amended) The method of claim 42, wherein the immunostimulatory nucleic acid[,] has a sequence including at least the following nucleotides TCGTCGTTTTGTCGTTTTGTCGTT (SEQ ID [No. \_\_] NO:46).

79. (Amended) The method of claim 60, wherein the immunostimulatory nucleic acid[,] has a sequence selected from the group of sequences including at least the following nucleotides

TCCATGTCGCTCCTGATGCT (SEQ ID [No.     ] NO:37), TCCATAACG TTCCTGATGCT (SEQ ID [No.     ] NO:3), TCCATGACGATCCTGATGCT (SEQ ID [No.     ] NO:87), TCCAT[A]GACGTCCCTGATGCT (SEQ ID [No.     ] NO:39), TCCATGTCG TTCCTGATGCT (SEQ ID [No.     ] NO:38), TCGTCGTTTTGTCGTTTTGTCGTT (SEQ ID [No.     ] NO:46), TCGTCGTTGTCGTTGTCGTT (SEQ ID [No.     ] NO:47), TCCATGACGGTCCTGATGCT (SEQ ID [No.     ] NO:35), TCCATGACGCTCCTGATGCT (SEQ ID [No.     ] NO:88), TCCATGACGTTCCTGATGCT (SEQ ID [No.     ] NO:7), TCCATCACGTGCCTGATGCT (SEQ ID [No.     ] NO:40), TCGTCGTTGTCGTTTTGTCGTT (SEQ ID [No.     ] NO:49), GCGTGCGTTGTCGTTGTCGTT (SEQ ID [No.     ] NO:56), TGTCGTTTGTGCGTTTGTGCGTT (SEQ ID [No.     ] NO:48), TGTCGTTGTCGTTGTCGTT (SEQ ID [No.     ] NO:50), TCGTCGTCGTCGTT (SEQ ID [No.     ] NO:51), TCCTGTCGTTTCCTTGTGCGTT (SEQ ID [No.     ] NO:52), TCCTGTCGTTTTTTTGTGCGTT (SEQ ID [No.     ] NO:53), TCGTCGCTGTCTGCCCTTCTT (SEQ ID [No.     ] NO:54), and TCGTCGCTGTTGTCGTTTCTT (SEQ ID [No.     ] NO:55) [, and TCGTCGTTTTGTCGTTTTGTCGTT (SEQ ID No.     ).

80. (Amended) The method of claim 60, wherein the immunostimulatory nucleic acid[,] has a sequence including at least the following nucleotides

TCCATGTCGCTCCTGATGCT (SEQ ID [No.     ] NO:37).

81. (Amended) The method of claim 60, wherein the immunostimulatory nucleic acid[,] has a sequence including at least the following nucleotides

TCGTCGTTTTGTCGTTTTGTCGTT (SEQ ID [No.     ] NO:46).

82. (Amended) A method for treating asthma in a subject, comprising

administering to an asthmatic subject an effective amount for treating asthma in a subject of an immunostimulatory nucleic acid, wherein the immunostimulatory nucleic acid, has a sequence selected from the group of sequences including at least the following nucleotides TCCATG[G]TCG[G]ATCCTGATGCT (SEQ ID [No.   ] NO:36), TCCATGTCGGTCCTGATGCT (SEQ ID [No.   ] NO:28), and GGGGTCAACGTTGAGGGGGG (SEQ ID [No.   ] NO:12).

85. (Amended) The method of claim 82, wherein the immunostimulatory nucleic acid has a sequence including at least the following nucleotides GGGGTCAACGTTGAGGGGGG (SEQ ID [No.   ] NO:12).

86. (Amended) A method for desensitizing a subject against the occurrence of an allergic reaction in response to contact with an allergen, comprising administering to a subject an effective amount for desensitizing the subject against the occurrence of an allergic reaction of an immunostimulatory nucleic acid, wherein the immunostimulatory nucleic acid, has a sequence selected from the group of sequences including at least the following nucleotides TCCATG[G]TCG[G]ATCCTGATGCT (SEQ ID [No.   ] NO:36), TCCATGTCGGTCCTGATGCT (SEQ ID [No.   ] NO:28), and GGGGTCAACGTTGAGGGGGG (SEQ ID [No.   ] NO:12).

89. (Amended) The method of claim 86, wherein the immunostimulatory nucleic acid has a sequence including at least the following nucleotides GGGGTCAACGTTGAGGGGGG (SEQ ID [No.   ] NO:12).